

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 6963 of 1995

to

FIRST APPEALNo 6966 of 1995

Hon'ble MR.JUSTICE Y.B.BHATT and Sd/-

MR.JUSTICE R.P.DHOLAKIA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

1 - Yes, 2 to 5 - No

LAND ACQUISITION & REHABILITATION OFFICER

Versus

DALCHHABHAI DHUDABHAI

Appearance:

MR LR POOJARI AGP for Petitioners
MR AMIN for Respondent No. 1

CORAM : MR.JUSTICE Y.B.BHATT and
MR.JUSTICE R.P.DHOLAKIA

Date of decision: 14/08/98

COMMON ORAL JUDGEMENT (Per: Y.B.Bhatt,J.)

These are appeals filed for and on behalf of the State of Gujarat under Sec.54 of Land Acquisition Act,

read with Sec.96 CPC, challenging the common judgment and awards passed by the Reference Court under Sec.18 of the said Act.

2. The only contention raised in the present group of appeals is to the effect that although there were good reasons on the part of the Land Acquisition Officer for determining the market value of the acquired lands at different rates for irrigated and non-irrigated lands, the Reference Court while determining the market value under Sec.18 of the said Act awarded only a uniform rate for all the lands under acquisition. In this context, therefore, it was contended that the application for uniform rate without due regard to the fact that irrigated lands and non-irrigated lands are obviously unequal in value, is not justifiable in law.

3. In the context of this submission, Mr.Amin, learned counsel appearing for the respondent-original claimants frankly conceded without going into the merits of the calculations, that firstly he would not support a uniform rate for both the categories of lands, and then submitted that the rate determined by the Reference Court in the impugned judgment and awards at Rs.7/- per sq.mtr. may be taken as the rate applicable to irrigated lands, and that non-irrigated lands may be valued at Rs.5=60 per sq.mtr. In our opinion, this is a very fair suggestion, and the same is also in consonance with the evidentiary material on record. Mr.L.R.Poojari, learned counsel for the appellant was unable to contend that non-irrigated lands could possibly be valued below Rs.5=60 per sq.mtr.

4. In the above facts and circumstances of the case, we hold and direct that the acquired lands shall be valued at Rs.7/- per sq.mtr. for irrigated land and Rs.5=60 for non-irrigated land. The impugned awards shall, therefore, stand modified to the aforesaid extent only and shall stand confirmed as regards all other aspects.

5. These appeals are, therefore, partly allowed only to the aforesaid extent. There shall be no orders as to costs. Decree accordingly.

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